

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Martha Karen Newell et al.
Serial No.: 10/556,653
Confirmation No.: 6541
Filed: September 7, 2007
For: DIAGNOSTIC AND THERAPEUTIC TREATMENTS RELATED TO
MITOCHONDRIAL DISORDERS
Examiner: Not Yet Assigned
Art Unit: 1632

Certificate of Electronic Filing Under 37 CFR 1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.8(a)(4).

Dated: August 18, 2010

Signature:  (Sharon R. Lloyd)

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed February 18, 2010, Applicants hereby elect claims 1, 3-12 of Group I, directed to a method of diagnosing a pre-disposition to a chromosomal abnormality associated with Down Syndrome in a fetus, without traverse. Applicant also elects the following species (a) mitochondrial deletion (claim 1), prior to conception (claim 5), and mitochondrial status is determined by a quantitative measure of electron potential (claim 8). A species of claim 11 is not selected because it depends from claim 10 and the species of claim 10 was not elected.

Having made this election, Applicants expressly reserve the right to file one or more divisional or continuation applications on the subject matter of the nonelected inventions.

If the filing of any paper in this application necessitates an extension of time under 37 CFR §1.136(a), the applicant hereby requests such extension of time. If the fee due is in an amount different, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 23/2825 under Docket No. C1102.70018US00.

Dated: August 18, 2010

Respectfully submitted,

By 

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